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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,609	12/26/2000	Gerald R. Stanley	CRI0033.1	4249

7590

03/13/2003

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EXAMINER

CUNNINGHAM, TERRY D

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/748,609

Applicant(s)

STANLEY, GERALD R.

Examiner

Terry D. Cunningham

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 24 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 19 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 6.

Claim(s) objected to: 3 and 19.

Claim(s) rejected: 1,2,4,5,9-18,20 and 21.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 24 February 2003 is a) ☐ approved or b) ☒ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Terry D. Cunningham
Primary Examiner
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ATTACHMENT TO ADVISORY ACTION

Continuation of No. 2

The newly proposed Fig. 6 is not understood as Applicant is apparently relying on the disclosure for Fig. 5 for the structure of Fig. 6. As seen, the only disclosure for the “isolated-integrator band-reject filter” being part of the “feedback demodulator filter” in paragraph 46, discussing Fig. 5.

With respect to proposed claim 3, such now recites the “resistive forward signal flow branch” separate from the “Sallen & Key filter”, which was previously claimed as being part thereof. This is due to the fact that previous claim 3 stated that the “low-pass filter” itself was a “Sallen & Key filter”.

Continuation of No. 5

Examiner has fully considered Applicant’s remarks for the rejections of record and has not found them to be persuasive for reasons discussed below.

New Matter

Applicant’s discussion concerning the new paragraph on page 10 are not found persuasive. The disclosure in the paragraph does not stand alone. The disclosure of Fig. 6 and the new paragraph on page 10 clearly stand together, the New Matter rejection applied to both.

Applicant’s statement in the paragraph linking pages 4-5 of the remarks concerning the word “both” are not understood. The stated paragraph on page 3 uses the word “and”. The clear and understood definition of the word “and” would relate to all recited elements. Since two elements were being discussed, Examiner used the word “both” instead of “and” or “all”, nonetheless the term is accurate.

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Further, whether or not element 46 of Fig. 5 is the discussed “isolated integrator frequency-rejecting network” is not seen to be relevant. The original disclosure clearly sets forth in Fig. 5 a circuit wherein a divider is connected to the output at the load and a filter (46) is connected to this divider, the “feedback demodulator filter” and the summing element. Examiner contends that nowhere does the original specification discuss a specific embodiment lacking divider at the output, lacking a filter connected to the divider and wherein the “feedback demodulator” is directly connected to the summing element. The only circuit disclosed in the original specification is directly responsive the voltage at the load, includes the output divider and filter 46.

Examiner further contends that even if paragraph 11 of page 3 fails to discuss the filter in Fig. 5, there is no disclosure found in the original specification for the specific circuit arrangement and connections in proposed Fig. 6. This would clearly be seen to be an issue of lacking support in the original specification.

With respect to the art rejections, while the specification clearly provides examples of “isolated-integrator band-reject filters”, there is no discussion or requirement that these be the only examples of such circuits. Additionally, there is nothing found in the specification that would expressly limit “isolated-integrator band-reject filters” as being limited to what is disclosed in the specification.

Examiner agrees that ‘isolated integrator’ has well known meaning in the art. But, again Examiner contends that this known meaning in the art is in no way limited to the structure disclosed in the cited reference to Glasgal. The operation of isolation of integrators has been known in the art for decades. In fact, it is understood from the reference to Glasgal that the reason the phrase “isolated integrator” is being used is because the purpose is to isolate the

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integrator. Further, Examiner contends that if would skilled in the art would not interpret integrators that are isolated as being “isolated integrated”, then such would be improper under broadest reasonable interpretation.

Reference is made to Texas Digital Systems Inc. v. Telegenix Inc. (64 USPQ2d 1812 (CA FC 2002)) which states “The terms used in the claims bear a ‘heavy presumption’ that they mean what they say and have the ordinary meaning that would be attributed to those words by persons skilled in the relevant art” unless the specification has clearly set forth an explicit definition of the term different from its ordinary meaning”. There is no “explicit definition” found in the specification that would cause a different interpretation of these terms.

Declaration By Mr. Wordinger

All of the remarks in the statement by Mr. Wordinger concerning the New Matter issue all deal with what would have been known by one skilled in the art. However, the facts used in determining New Matter issues are whether or not the original specification expressly supports the subject matter, not whether such is known in the art. The mere fact that something is known in the art is not the same as the original specification providing supporting for such. Nowhere is the original specification seen to expressly disclose a circuit wherein the feedback lacks filter 46 and is not directly responsive to the output and where the “feedback demodulation filter” is directly connected to the summing device. Secondly, nowhere is the specification expressly support or disclose a circuit having the specific arrangements and connections of proposed Fig. 6.

With respect to point 9 by Mr. Wordinger, the discussion whether or not the circuit of Fig. 6 could be made without undue experimentation is not seen to be of relevance. Firstly, this issue is an objection to the specification, not a non-enablement rejection. Secondly, the doctrine

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concerning “undue experimentation”, expressed in case law, all deal with issues supported in the original specification. As expressly set forth above, the issues of the New Matter is the fact that the original specification lacks support for this disclosure. And thirdly, even if such were relevant, the original specification provides no hints regarding a circuit having the connections shown in Fig. 6, thus it is clear the specification would not even enablement one how to make the circuit, let alone how to use it.

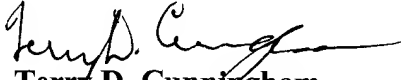
With respect to Mr. Wordinger discussion concerning “special meaning” in point 11, whether or not one skilled in the art could deem a special meaning, these remarks do not discussed the legal issue of “broadest reasonable interpretation”. Thus, these remarks are not seen to be persuasive.

For all of the reasons stated above and of records, the outstanding rejections are hereby maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 703-308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0956.

TC
March 11, 2003


Terry D. Cunningham
Primary Examiner
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